

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. The examiner is requested to contact the undersigned for an interview prior to the issuance of a subsequent office action.

Claim Objections

Claims 19 and 27 were objected to because of various informalities. Claims 19 and 27 depend on canceled claim 16. Accordingly, claims 19 and 27 have been amended to depend from claim 15.

Drawings and Specification

The drawings were objected to by the examiner. Claim 43 has been cancelled. Further claim 42 has been amended and no longer recites the element “transitions from an upper luminance value at the lower temperature threshold.” Accordingly, objections to the drawings and specification are now moot.

Rejections Under 35 U.S.C. § 112

Claims 42-43 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claim 43 has been cancelled. Further claim 42 has been amended and no longer recites the element “transitions from an upper luminance value at the lower temperature threshold.” Accordingly, the rejection under 35 U.S.C. §112 is now moot.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-15, 17-28, and 30-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent No. 2001-312249 to Masami (Masami) in view of U.S. Publication No. 2005/0068270 A1 to Awakura et al. (Awakura).

The applicant respectfully submits the attached Declaration of Paul Fredrick Luther Weindorf Under 37 C.F.R. §1.131, which evidences the conception of the claimed invention prior to September 17, 2003 (the 102(e) date of the Awakura et al. reference) and diligence from a date prior to September 17, 2003 to the filing of the instant application. The applicant respectfully submits that the Awakura et al. reference is not prior art under 35 U.S.C. §102, and therefore cannot form the basis for a §103(a) rejection. Accordingly, the applicant respectfully requests that the examiner reconsider and withdraw these rejections under §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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/Robert K. Fergan/
Robert K. Fergan
Reg. No.: 51,674
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
524 South Main Street, Suite 200
Ann Arbor, MI 48104-2921
(734) 302-6000